

**NOTICE OF INTENT TO ADOPT A PROPOSED NEW RULE TO THE STATE
LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD
RULE CHAPTER 553-11 CHANGES IN STATUS, RULE 553-11-.02 DISAFFILIATION
OF QUALIFYING AGENT, AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the State Licensing Board for Residential and General Contractors, (hereinafter "Board") proposes a new rule to the State Licensing Board for Residential and General Contractors Board Rule Chapter 553-11; Rule 553-11-.02 (herein after "proposed new rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, is being disseminated to all persons who have requested, in writing, they be placed on a distribution list. A copy of this notice, an exact copy of the proposed new rule, and synopsis of the proposed new rule may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the following Board website <http://sos.ga.gov/index.php/licensing/plb/46>. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed new rule.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M. EST) on **Wednesday, January 23, 2019**. Written comments should be addressed to Darren Mickler, Acting Division Director, Office of the Secretary of State, Professional Licensing Boards Division, State Licensing Board for Residential and General Contractors, 237 Coliseum Drive, Macon, Georgia 31217; Fax (478) 207-1458.

The proposed new rule will be considered for adoption by the State Licensing Board for Residential and General Contractors at its meeting scheduled to begin at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the State Licensing Board for Residential and General Contractors has the authority to adopt the proposed new Rule 553-11-.02 pursuant to authority contained in O.C.G.A. §§ 43-41-5(a)(7), and 43-41-9(d), (e).

The Board will consider at its meeting on Wednesday, January 30, 2019 whether the formulation and adoption of this new rule imposes excessive regulatory cost on any licensee or entity and whether any cost to comply with the proposed new rule could be reduced by a less expensive


alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-41-5(a)(7), and 43-41-9(d), (e).

Additionally, at the meeting on January 30, 2019, the Board will consider whether it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-41-5(a)(7), and 43-41-9(d), (e) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed new rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of residential or general contracting.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act O.C.G.A. § 50-13-4.

This 27 day of December, 2018.



Darren Mickler
Acting Division Director
Professional Licensing Boards

Posted: 12/27/18

SYNOPSIS OF PROPOSED ADOPTION OF A NEW RULE TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-11, CHANGES IN STATUS, NEW RULE 553-11-.02 DISAFFILIATION OF QUALIFYING AGENT

Purpose: The purpose of the new rule is to establish a rule which provides specific directions to qualifying agents and the owner of a business organization as it relates to the disaffiliation of a qualifying agent.

Main Features: The new rule describes the obligations of a qualifying agent and the owner of a business organization as it relates to notifying the Board of the disaffiliation of a qualifying agent. The rule also provides the timeframes as to when the Board must be notified of the disaffiliation of a qualifying agent and the status in which the license shall be placed.

THE PROPOSED NEW RULE TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-11, CHANGES IN STATUS, NEW RULE 553-11-.02 DISAFFILIATION OF QUALIFYING AGENT

[Note: underlined text is the proposed new rule to be added.]

Rule 553-11-.02 Disaffiliation of Qualifying Agent.

(1) A licensee shall report a change in the Qualify Agent affiliation with a business organization to the Board:

(a) A Qualifying Agent must notify the Board within 30 days of the termination of the relationship with the business organization for which they are licensed as qualifying agent by submitting a Disaffiliation form, as established by the Board. A Qualifying Agent license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(b) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the termination of the relationship with the affiliated licensed qualifying agent by submitting a Disaffiliation form, as established by the Board. A company license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

1. If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of disaffiliation to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

2. After the passage of the 120 day period, the business organization shall be placed on inactive status and cease to be considered licensed as a Residential or General Contracting company until a new application is approved by the appropriate division.

(c) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the company no longer being in business by submitting a Disaffiliation form, as established by the Board. A company license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(2) Contracting as a qualifying agent after the date of the termination of the relationship with the business organization shall be considered unlicensed practice and is subject to disciplinary action.

(3) Renewing a qualifying agent license after the date of the termination of the relationship with the business organization shall be considered fraud and is subject to disciplinary action.

Authority: O.C.G.A. §§ 43-41-5(a)(7), and 43-41-9(d), (e).

Rule 553-11-.02 Disaffiliation of Qualifying Agent.

(1) A licensee shall report a change in the Qualify Agent affiliation with a business organization to the Board:

(a) A Qualifying Agent must notify the Board within 30 days of the termination of the relationship with the business organization for which they are licensed as qualifying agent by submitting a Disaffiliation form, as established by the Board. A Qualifying Agent license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(b) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the termination of the relationship with the affiliated licensed qualifying agent by submitting a Disaffiliation form, as established by the Board. A company license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

1. If the licensee is the sole qualifying agent for a business organization, the business organization shall have 120 days from the date of disaffiliation to submit an application to the Board for another Qualifying Agent, unless the respective Division receives other substantiated information that the company is no longer in business.

2. After the passage of the 120 day period, the business organization shall be placed on inactive status and cease to be considered licensed as a Residential or General Contracting company until a new application is approved by the appropriate division.

(c) An owner or officer of a licensed Residential or General Contracting company must notify the Board within 45 days of the company no longer being in business by submitting a Disaffiliation form, as established by the Board. A company license shall be placed on inactive status upon the Board's receipt of such notification pursuant to Rule 553-10-.01.

(2) Contracting as a qualifying agent after the date of the termination of the relationship with the business organization shall be considered unlicensed practice and is subject to disciplinary action.

(3) Renewing a qualifying agent license after the date of the termination of the relationship with the business organization shall be considered fraud and is subject to disciplinary action.

Authority: O.C.G.A. §§ 43-41-5(a)(7), and 43-41-9(d), (e).